

### REMARKS

Applicants have amended claims 1 and 12, and have added new claims 43-51. Claims 2, 3, and 13-42 were previously canceled. Thus, the pending claims are claims 1, 4-12, and 43-51, of which claims 1 and 12 are in independent form.

As amended, claims 1 and 12 cover a stent including a portion having a first layer including a radiopaque material, a second layer including an alloy having the radiopaque material and a second material, and a third layer including an oxidized form of the alloy.

Prior to this Reply, claims 1, 4-10, and 12 were rejected under 35 U.S.C. §102(b) as anticipated by Callol (U.S. Pat. No. 6,174,329), and dependent claim 11 was rejected under 35 U.S.C. §103 as being unpatentable over Callol in view of Roth (U.S. Pat. App. Pub. No. 2004/0054399).

Neither Callol nor Roth discloses or suggests a stent including a portion having a first layer including a radiopaque material, a second layer including an alloy having the radiopaque material and a second material, and a third layer including an oxidized form of the alloy, as claimed. For example, Callol discloses a radiolucent stent having a radiopaque coating that is coated with a protective layer of a metal, a ceramic or a polymer. But Callol does not disclose or suggest that the protective layer includes an oxidized form of an alloy having a radiopaque material and a second material, as claimed. Roth does not cure the deficiencies of Callol. Accordingly, Applicants request that the rejections be withdrawn.

New dependent claims 43-51 are patentable over the cited references for at least the same reasons that claims 1 and 12 are patentable over the cited references.

For at least the reasons discussed above, Applicants believe the claims are in condition for allowance, which action is requested.


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Respectfully submitted,

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